

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re application of:

DAVID JOHN FORD ET AL.

Serial No.: 10/064,962

Filed: September 4, 2002

For: AN ONLINE METHOD AND SYSTEM FOR ADVISING CUSTOMERS ON  
SERVICE NEEDS, FACILITATING THE SCHEDULING OF VEHICLE SERVICE  
APPOINTMENTS, AND CHECKING VEHICLE SERVICE STATUS

Attorney Docket No.: 81046134 (FMC 1438 PUS)

**APPEAL BRIEF UNDER 37 C.F.R. § 41.37**

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Commissioner for Patents  
U.S. Patent & Trademark Office  
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Alexandria, VA 22313-1450

Sir:

This is an Appeal Brief from the final rejection of claims 1-20 of the Office Action mailed on March 24, 2010, for the above-identified patent application, an after final amendment for which was filed on July 26, 2010, and entered on August 2, 2010, and a Notice of Appeal for which was filed on August 12, 2010. Applicant hereby petitions for a one month extension of time for the filing of this application, extending the due date for the filing of this appeal brief to November 12, 2010.

**I. REAL PARTY IN INTEREST**

The real party in interest is Ford Motor Company (“Assignee”), a corporation organized and existing under the laws of the state of Delaware, and having a place of business in Dearborn, Michigan, as set forth in the assignment recorded in the U.S. Patent and Trademark Office on September 4, 2002 at Reel 013051/Frame 0944.

**II. RELATED APPEALS AND INTERFERENCES**

None.

**III. STATUS OF CLAIMS**

Claims 1-20 are pending in this application. Claims 1-20 have been rejected and are the subject of this appeal.

**IV. STATUS OF AMENDMENTS**

The Appellant filed an amendment after final on July 26, 2010. The Amendment was entered on August 2, 2010.

**V. SUMMARY OF CLAIMED SUBJECT MATTER**

This application has three (3) independent claims, i.e., claims 1, 11 and 14.

Claim 1 is directed to a computer-implemented online vehicle service method. (e.g., p. 7, ll. 31-33 and Fig. 2, methodology 24.) The method includes receiving a service inquiry at a DMS or vehicle service provider computer (e.g., p. 7, l. 33 - p. 8, l. 1 and Fig. 2, block 26.) The service inquiry is selected from the group consisting of a service request, a scheduled maintenance request, and a recall request. (e.g., p. 8, ll. 1-3 and Fig. 2, block 26.) The method further includes receiving, at the DMS or vehicle service provider computer, input information regarding potential servicing of the vehicle. (e.g., p. 8, ll. 16-26 and Fig. 2block 28.) If the service inquiry is a service request, the input information includes information defining vehicle symptoms pertinent to the service request. (e.g., p. 8, l. 31 - p. 9, l. 19, and Fig. 3, GUI 37.) If the service inquiry is the scheduled maintenance request or the recall request, the input information includes a vehicle identification number or the vehicle make, vehicle model year, and vehicle model. (e.g., p. 15, l. 17 - p. 17, l. 25 and Fig. 2, block 33.) The input information is used to determine whether service is advised for the vehicle. (e.g., *id.*) The method further includes transmitting, from the DMS or vehicle service provider computer, a plurality of open appointments, wherein each of the plurality of open appointments is comprised of a preselected date and time based on available dates and times for a vehicle service provider. (e.g., pg. 18, l. 31 - p. 19, l. 26 and Figs. 7a - 7c). The method further includes instructing, from the DMS or vehicle service provider computer, display of a plurality of selectable dates having available times associated therewith, wherein selection of a selectable date causes further display of all the available appointment times on that date in which an appointment can still be scheduled (paragraph [0101])The method also includes receiving, at a DMS or vehicle service provider computer, an appointment request relating to one of the plurality of open appointments. (e.g., pg. 18, ll. 22 - 31 and Figs. 7a & 7b).The method further includes storing the requested appointment in a memory associated with the DMS or in a vehicle service provider database (paragraph [0106]).

Claim 11 is directed to an online vehicle service method. (e.g., p. 7, ll. 31-33 and Fig. 2, methodology 24.) The method includes receiving, a DMS or vehicle service

provider computer, a service inquiry. (e.g., p. 7, l. 33 - p. 8, l. 1 and Fig. 2, block 26.) The service inquiry is selected from the group consisting of a service request, a scheduled maintenance request, a recall request, and a vehicle status request. (e.g., p. 8, ll. 1-3 and Fig. 2, block 26.) The method further includes receiving, at the DMS or vehicle service provider computer, input information regarding potential servicing of the vehicle. (e.g., p. 8, ll. 16-26 and Fig. 2, block 28.) If the service inquiry is a service request, the input information includes information defining vehicle symptoms pertinent to the service request. (e.g., p. 8, l. 31 - p. 9, l. 19 and Fig. 3, GUI 37.) If the service inquiry is the scheduled maintenance request or the recall request, the input information includes a vehicle identification number or the vehicle make, vehicle model year, and vehicle model. (e.g., p. 15, l. 17 - p. 17, l. 25 and Fig. 2, block 33.) The input information is used to determine whether service is advised for the vehicle. (e.g., *id.*) If the service inquiry is the vehicle status request, the input information includes an at least last name of a customer checking on the vehicle status. (e.g., p. 24, l. 13 - p. 25, l. 21 and Fig. 2, block 31.) The input information is used to determine the vehicle status. (e.g., *id.*) The method further includes transmitting, at the DMS or vehicle service provider computer, a plurality of open appointments, wherein each of the plurality of open appointments is comprised of a preselected date and time based on available dates and times for a vehicle service provider. (e.g., pg. 18, l. 31 - p. 19, l. 26 and Figs. 7a - 7c). The method further includes instructing, from the DMS or vehicle service provider computer, a display of a plurality of selectable dates having available times associated therewith, wherein selection of a selectable date causes further display of all the available appointment times on that date in which an appointment can still be selected, in accordance with instructions received from the DMS or vehicle service provider computer (paragraph [0101]). The method also includes receiving, at the DMS or vehicle service provider computer, an appointment request relating to one of the plurality of open appointments. (e.g., pg. 18, ll. 22 - 31 and Figs. 7a & 7b). The method also includes storing the requested appointment in a memory associated with the DMS or in a vehicle service provider database (paragraph [0106]).

Claim 14 is directed to an online vehicle service system including at least one server computer operable serving at least one client computer. (e.g., p. 1, ll. 3-30 and Fig. 1, server computer 12 and client computers 14A-14N.) The at least one server computer is

configured to receive a service inquiry. (e.g., p. 1, ll. 25-30; p. 7, l. 33 - p. 8, l. 1; and Fig. 2, block 26.) The service inquiry is selected from the group consisting of a service request, a scheduled maintenance request, and a recall request. (e.g., p. 8, ll. 1-3 and Fig. 2, block 26.) The at least one server computer is further configured to receive input information regarding potential servicing of the vehicle. (e.g., p. 1, ll. 25-30; p. 8, ll. 16-26; and Fig. 2, block 28.) If the service inquiry is a service request, the input information includes information defining vehicle symptoms pertinent to the service request. (e.g., p. 8, l. 31 - p. 9, l. 19 and Fig. 3, GUI 37..) If the service inquiry is the scheduled maintenance request or the recall request, the input information includes a vehicle identification number or the vehicle make, vehicle model year, and vehicle model. (e.g., p. 15, l. 17 - p. 17, l. 25 and Fig. 2, block 33.) The input information is used to determine whether service is advised for the vehicle. (e.g., p. 1, ll. 25-30 and p. 15, l. 17 - p. 17, l. 25.) The at least one server computer is further configured to transmit a plurality of open appointments, wherein each of the plurality of open appointments is comprised of a preselected date and time based on available dates and times for a vehicle service provider. (e.g., pg. 18, l. 31 - p. 19, l. 26 and Figs. 7a - 7c). The at least one server is further configured to instruct display of a plurality of selectable dates having available times associated therewith, wherein selection of a selectable date causes further display of all the available appointment times in which an appointment can still be scheduled, in accordance with instructions from the at least one server computer. (paragraph [0101]). The at least one server computer is further configured to receive an appointment request relating to one of the plurality of open appointments. (e.g., pg. 18, ll. 22 - 31 and Figs. 7a & 7b). The at least one server computer is further configured to transmit the input information and the appointment request to the vehicle service provider to facilitate the scheduling of the vehicle service appointment. (e.g., p. 1, ll. 25-30 and Fig. 2, blocks 30, 32, 34 and 36.)

**VI. GROUNDS OF REJECTION TO BE REVIEWED ON APPEAL**

**A. Claims 1, 2, 6-15 and 18 stand rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable over Bill Wink Chevrolet (<http://web.archive.org/web/20020222201739/http://www.billwinkchevy.com/appointment.html>) (Wink) in view of Last (U.S. App. Pub. 2001/0037225) (Last).**

**B. Claim 9 stands rejected under 35 U.S.C. §103(a) as being unpatentable over Wink in view of Last in further view of Jim Mateja (Monroney Label a Window of Opportunity for Sellers) (Mateja).**

**C. Claims 3-5, 16, 17, 19 and 20 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Wink in view of Last in further view of Blasingame et al (U.S. Patent Pub. No. 2002/0022975) (Blasingame).**

## **VII. ARGUMENT**

**A. Claims 1, 2, 6-15 and 18 Are Patentable Under 35 U.S.C. § 103(a) Over Wink In View Of Last**

- 1. Claims 1, 11 and 14 are patentable under 35 U.S.C. § 103(a) over Wink in view of Last for at least the reason that Last expressly teaches against the claimed combination**

Claims 1-2 6-10, 11-15, and 18 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Bill Wink Chevrolet. ("Wink") in view of Last (U.S. Pat. 7,249,041).

Applicant submits that the Examiner's analysis still overlooks certain elements of the claims that are not recited in the prior art and are not obvious alterations to any of the prior art.

For example, independent claims 1, 11 and 14 recite, *inter alia*, "instructing displaying a plurality of selectable dates having available times associated therewith, wherein selection of a selectable date causes further display of all the available appointment times on that date in which an appointment can still be scheduled." (emphasis added).

Neither Wink, Last, or the combination of Wink and Last teach or suggest this element. In Wink, the customer actually types in both the date and time, and so there is no teaching or suggestion of a selectable date, a date having available times associated therewith, or further display of available appointment times in which an appointment can still be scheduled.

In Last, a user may be presented with a handful of times for a golf course on a given day ([0034]), but Last *expressly teaches against display of all the available appointment times*. [0034] According to Last, "The intent is not to display the entire tee, but instead a subset of the available tee times in a convenient fashion that does not require the golfer to

undertake an elaborate database query to "zone in" on a desired tee time." This portion of Last is expressly teaching against the claim limitations.

Although the Examiner takes official notice that display of available times is old and well known, Applicant points out that Last **expressly** teaches against this notion, and thus is inappropriate for combination with Examiner's official notice.

Applicant notes that the Examiner briefly addressed this contention in his reply to the After Final Response filed on July 26, 2010. According to the Examiner – "The Examiner asserts that Applicant's citation of Last does not disclose 'the intent is not to display the entire tee, but instead a subset of the available tee times in a convenient fashion that does not require the golfer to undertake an elaborate data base query to zone in on a desired tee time'." Applicant cited this portion of Last as teaching directly against the claimed combination. Further, Applicant is unsure how the Examiner asserts that Last does not disclose this, as this is, in fact, a direct quote from Last. (Last, col. 6, lines 14-18).

The Examiner continues – "[this portion] of Last is providing an alternative embodiment in which the invention can be carried out, and one of skill in the art reading the full reference would have understood that Last is referring to a subset of dates/weeks as a means of providing the user with chunks information at a time as opposed to inundating the user with information (see 31 wherein Figure 2 discloses all available dates for each particular day of the week and wherein the subset is the particular week that the user is searching through and is further broken down into seven columns to represent a separate day of the week). "

It appears that the Examiner is interpreting the term "subset" in col. 6, line 15 based on Figure 2. Fortunately, no guesswork is required here to determine what "subset" may or

may not mean. Last explicitly states – “The system instead displays only a few tee times per course per day...” (col. 6, lines 18-20) (emphasis added). “Instead” is to contrast the system with a system that displays all appointment times, a system Last expressly teaches against. In light of the fact that Last teaches against such a system, application of Last to reject the claimed combination is inappropriate.

Additionally, Applicant notes that the system of Last teaches displaying this subset for multiple courses, and, accordingly, even if the teachings of Last were applied to Wink in the manner suggested, then the resulting system would display the requested information for multiple dealers and expressly not for a single dealer (col. 6, lines 32-34 – teaching away from providing scheduling for a single course). This further serves to show that the applied combination is different from the claimed combination, made expressly so by the teachings of Last.

The Examiner cannot ignore the teachings of Last that expressly teach against the claimed combination, nor can he alternatively interpret the meaning of words in Last in light of the express explanations as shown herein.

For at least these reasons, claims 1, 11, and 14 are allowable over the prior art of record.

**2. Claims 2, 6-10, 12-13, 15 and 18 are allowable based at least on their dependency from allowable independent claims**

Claims 2, 6-10, 12-13, 15 and 18 are allowable based at least on their dependency from allowable independent claims 1, 11, and 14.

**B. Claim 9 is patentable under 35 U.S.C. § 103(a) over Himes in view of Wink and further in view Of Mateja**

Claim 9 depends from claim 1. Claim 1 has already been shown to be patentable over the combination of Himes and Wink based at least on the arguments presented herein. Mateja, introduced as allegedly teaching "it is old and well known in the art to provide a VIN into a dealer's computer to determine whether a recall exists for a vehicle" does not cure the noted deficiencies of the Himes/Wink combination. Accordingly, claim 9 should be allowable based at least on its dependency from allowable claim 1.

**C. Claims 3-5, 16, 17, 19 and 20 Are Patentable Under 35 U.S.C. § 103(a) Over The Proposed Combination Of Wink, Last and Blasingame Based At Least On Their Dependency From Allowable Independent Claims**

The Examiner introduced Blasingame to cure admitted deficiencies of claims 3-5, 16-17 and 19-20 with respect to the Wink/Last combination, but Blasingame does not cure the noted deficiencies of Last with respect to the independent claims. For at least this reason, claims 3-5, 16-17 and 19-20 are allowable based at least on their dependencies from allowable claims 1 and 14.

**Conclusion**

For at least the reasons presented herein, all claims are believed to be in condition for allowance. Favorable reconsideration and allowance are respectfully requested.

Respectfully submitted,  
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Enclosure - Appendices

## **VIII. CLAIMS APPENDIX**

1. (Previously Presented) An computer-implemented online vehicle service method comprising:

receiving, at a DMS or vehicle service provider computer, a service inquiry wherein the service inquiry is selected from the group consisting of: a service request, a scheduled maintenance request, and a recall request;

receiving, at the DMS or vehicle service provider computer, input information regarding potential servicing of the vehicle wherein if the service inquiry is a service request, the input information includes information defining vehicle symptoms pertinent to the service request or if the service inquiry is the scheduled maintenance request or the recall request, the input information includes a vehicle identification number or the vehicle make, vehicle model year, and vehicle model wherein the input information is used to determine whether service is advised for the vehicle;

transmitting, from the DMS or vehicle service provider computer, a plurality of open appointments, wherein each of the plurality of open appointments is comprised of a preselected date and time based on available appointment dates and times for a vehicle service provider;

instructing display of a plurality of selectable dates having available times associated therewith, wherein selection of a selectable date causes further display of all the available appointment times on that date in which an appointment can still be scheduled, in accordance with instructions received from the DMS or vehicle service provider computer;

receiving, at a DMS or vehicle service provider computer, an appointment request relating to one of the plurality of open appointments; and

storing the requested appointment in a memory associated with the DMS or in a vehicle service provider database.

2. (Original) The online method of claim 1 wherein the service inquiry is the service request and wherein the input information defining vehicle symptoms pertinent to the service request includes a vehicle symptom string.

3. (Previously Presented) The online method of claim 2 further comprising determining an at least two symptom probing questions based on the vehicle symptom string.

4. (Original) The online method of claim 3 further comprising transmitting to the customer the at least two symptom probing questions.

5. (Previously Presented) The online method of claim 4 further comprising transmitting to the vehicle service provider the at least two symptom probing answers to the at least two symptom probing questions.

6. (Original) The online method of claim 1 wherein the service inquiry is selected by the customer.

7. (Original) The online method of claim 1 further comprising receiving available appointment dates and arrival times from the vehicle service provider.

8. (Original) The online method of claim 1 wherein the service inquiry is the vehicle maintenance request and further comprising retrieving a vehicle maintenance schedule for the vehicle based on the input information.

9. (Original) The online method of claim 1 wherein the service inquiry is the recall request and further comprising determining whether a recall exists for the customer's vehicle based on the input information.

10. (Previously Presented) The online method of claim 1 further comprising transmitting the input information to the customer prior to transmitting the appointment request.

11. (Previously Presented) A computer-implemented online vehicle service method comprising:

receiving, at a DMS or vehicle service provider computer, a service inquiry wherein the service inquiry is selected from the group consisting of: a service request, a scheduled maintenance request, a recall request, and a vehicle status request;

receiving, at the DMS or vehicle service provider computer, input information regarding potential servicing of the vehicle wherein if the service inquiry is a service request, the input information includes information defining vehicle symptoms pertinent to the service request or if the service inquiry is the scheduled maintenance request or the recall request, the input information includes a vehicle identification number or the vehicle make, vehicle model year, and vehicle model wherein the input information is used to determine whether service is advised for the vehicle or if the service inquiry is the vehicle status request, the input information includes an at least last name of a customer checking on the vehicle status wherein the input information is used to determine the vehicle status;

transmitting, from the DMS or vehicle service provider computer, a plurality of open appointments, wherein each of the plurality of open appointments is comprised of a preselected date and time based on available appointment dates and times for a vehicle service provider;

instructing display of a plurality of selectable dates having available times associated therewith, wherein selection of a selectable date causes further display of all the available appointment times on that date in which an appointment can still be scheduled, in accordance with instructions received from the DMS or vehicle service provider computer;

receiving, at the DMS or vehicle service provider computer, an appointment request relating to one of the plurality of open appointments;

and

storing the requested appointment in a memory associated with the DMS or in a vehicle service provider database.

12. (Previously Presented) The online method of claim 11 wherein the service inquiry is the vehicle status request and further comprising receiving vehicle status information from the vehicle service provider.

13. (Original) The online method of claim 12 further comprising transmitting to the customer vehicle status information.

14. (Previously Presented) An online vehicle service system comprising at least one server computer operable serving at least one client computer, the at least one server computer configured to:

(i) receive a service inquiry wherein the service inquiry is selected from the group consisting of: a service request, a scheduled maintenance request, and a recall request;

(ii) receive input information regarding potential servicing of the vehicle wherein if the service inquiry is a service request, the input information includes information defining vehicle symptoms pertinent to the service request or if the service inquiry is the scheduled maintenance request or the recall request, the input information includes a vehicle identification number or the vehicle make, vehicle model year, and vehicle model wherein the input information is used to determine whether service is advised for the vehicle;

(iii) transmit a plurality of open appointments, wherein each of the plurality of open appointments is comprised of a preselected date and time based on available appointment dates and times for a vehicle service provider;

(iv) instruct display a plurality of selectable dates having available times associated therewith, wherein selection of a selectable date causes further display of all the available appointment times in which an appointment can still be scheduled, in accordance with instructions received from the at least one server computer;

(v) receive an appointment request relating to one of the plurality of open appointments; and

(vi) transmit the input information and the appointment request to the vehicle service provider to facilitate the scheduling of the vehicle service appointment.

15. (Original) The online system of claim 14 wherein the at least one server computer is additionally configured to receive available appointment dates and arrival times from the vehicle service provider.

16. (Original) The online system of claim 15 wherein the at least one server computer is additionally configured to transmit a request XML package containing a request for available appointment dates and arrival times to the vehicle service provider and to receive a response XML package containing available appointment dates and arrival times.

17. (Original) The online system of claim 16 wherein the at least one server computer is additionally configured to transmit a request XML package containing the appointment date and arrival time for the vehicle service appointment to a dealer server or dealer middleware server and to receive a response XML confirming the appointment date and arrival time.

18. (Previously Presented) The online system of claim 14 wherein the service inquiry is the service request and wherein the input information defining vehicle symptoms pertinent to the service request includes a vehicle symptom string.

19. (Previously Presented) The online system of claim 18 wherein the first computer is additionally configured to determine an at least two symptom probing questions based on the vehicle symptom string and for obtaining at least two symptom probing answers from the customer.

20. (Previously Presented) The online system of claim 19 wherein the first computer is additionally configured to transmit to the customer an at least two symptom probing questions.

**IX. EVIDENCE APPENDIX**

None.

**X. RELATED PROCEEDINGS APPENDIX**

None.